

REMARKS

This is in further response to the Office Action (Final Rejection) of September 4, 2009. This Amendment also responds to issues raised by the Examiner in the Advisory Action dated December 16, 2009. The Advisory Action indicated that Applicant's claims did not include the limitation "which generates cationic species by heat energy." Accordingly, new claim 22 is added, based upon such disclosure as that in the first full paragraph on page 11 of the specification and Examples 1-3. The Advisory Action indicated that the language "an optically homogenous cured product" was not in Applicant's claims. New claim 23 is added, reciting that language. Support for new claim 23 is submitted to be provided by disclosure in the first paragraph on page 12 of the specification. No new matter is believed to be introduced by this Amendment. Claims 1-3 and 11-23 are now in the application, of which claims 1, 2, 11, and 13 stand withdrawn from consideration.

Issues under 35 U.S.C. § 102

On pages 3-4 of the Final Rejection, claims 3, 7-10, 12, 14, and 15 were rejected as being anticipated by WO 01/95030 A2 (Yamamura) as evidenced by US 5,773,194 (Hattori) and US 5,336,574 (Igarashi). Applicant relies upon the discussion set forth on page 6-8 of the Amendment filed December 4, 2009 for his position with respect to this rejection.

Issues under 35 U.S.C. § 103

On page 5 of the Final Rejection, claims 3, 7-10, 12, and 14 were rejected as being unpatentable over two combinations of references: US 5,378,736 (Fujiwa) in view of JP 2002-338659 (Takai); and EP 0 736 555 A2 (Barbe) in view of Takai. Applicant relies upon the discussion set forth on page 8-11 of the Amendment filed December 4, 2009 for his position with respect to this rejection. In addition, the following supplemental information is provided:

The Examiner erroneously uses US 2003/0059618 A1 (US '618) for ease of citation of JP 2002-338659 (JP '659). US '618 is an application claiming priority to three Japanese applications – (i.) JP 2002-275169, (ii.) JP 2002-338659 – that is, the Takai reference, and (iii.) JP 2003-13001. In other words, US '618 does not correspond to JP '659. Not all portions of the disclosure of US '618 correspond to JP '659 relied upon in the Final Rejection.

An alleged disclosure that the Examiner cited for an explanation of the rejection (for instance, on page 13 of the 02/24/2009 Office Action) is not a description of the invention of JP '659 – that is, the Takai reference (ii.) cited in the rejection. Instead, this portion of the disclosure of US '618 is a description of an invention of Takai Japanese application (iii.) JP 2003-13001 – which is one of the three different Japanese priorities for US '618. In summary, Takai JP '659 does not disclose material that the Examiner relies upon from Takai US '618.

The publication date of JP 2003-13001 is January 15, 2003, which is later than the December 27, 2002 priority date of the present application. Applicant presents herewith a translation into the English language of a certified copy of his Japanese priority application JP 2002-381563 (which was filed on December 27, 2002) along with a certificate from the translator attesting to the accuracy of the translation. Therefore, Takai JP 2003-13001 – which is the actual source of disclosure that the Examiner incorrectly attributes to the cited reference Takai JP 2002-338659 – would not be available as a reference against the present application.


Contact information

Please contact Richard Gallagher, Registration No. 28,781, at (703) 205-8008 with any questions concerning this application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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